

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
APRIL 21, 2009  
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and Invocation was given by Councilman Christian Portwood.

## **ROLL CALL**

### **PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Phil Owens (6:04 p.m.)  
Councilman David Dirkschneider  
Councilman Mike Gossman  
Councilwoman Nancy Olson  
Councilman Christian Portwood  
Councilman Doug Davis

### **ABSENT**

Councilman Dean Johnson

## **STAFF PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Robert Jernigan, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Kevin Strong, City Inspector  
Scott Barrett, City Engineer  
Wiley Rice, City Planner

2. Mayor's Address and presentation of 5 year service pins to Public Works Director Mike Turman and Animal Control Officer Dustin Gordon.

Mayor Woolley gave a brief speech and it is made a part of these minutes. Mike Turman was on vacation so the Mayor will present his pin later. Mayor Woolley presented a 5 year pin to Animal Control Officer Dustin Gordon.

3. Discussion and possible action on appointing a Vice-Mayor.

The Mayor stated that he would like to have Councilwoman Olson as his Vice-Mayor. Current Vice-Mayor Owens asked about what the process was for

naming a vice-mayor. Attorney Jernigan stated that the term of vice-mayor came to an end with the end of the Mayor's term. Clerk Ramirez stated that it changes every year as set out in the Charter.

Motion by Maxey, second by Portwood to appoint Councilwoman Olson as Vice-Mayor. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Items 12 and 17 were heard before item 4.

4. Call to the Public.

Mayor Woolley stated that he did not receive any request to speak. Mary Payne stated that she had turned in a request to speak a few weeks ago so Mayor Woolley allowed her to speak. She told the council that she owns a house at 5816 N MacArthur and has been trying to sell it for some time. She said that everyone that looks at it wants to purchase it for commercial use and it is zoned residential. She stated that since the city widened the street to five lanes they should rezone MacArthur between 50<sup>th</sup> and 63<sup>rd</sup> to commercial to make it easier for the people that own homes there to sell because no one is going to want to purchase a home that sit on a five lane street.

5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.

A. Approval of the minutes from the Regular meeting of March 17, 2009 and Special meetings of March 30, 2009 and April 14, 2009. \*\*\*\*

B.	Approval of Expenditures ****	General Fund	\$123,129.30
		CIP Fund	\$ 23,730.78

C. Approval of Actual Expenditures for March 2009 and Proposed Expenditures for April 2009. \*\*\*\*

D. Sales Tax History Report. \*\*\*\*

Councilman Portwood asked to pull item A.

Motion by Olson, second by Dirkschneider to approve B, C, and D. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, abstain; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

6. Discussion and possible action on items removed from the consent docket.

Item A. Minutes from March 30, 2009.

Motion by Gossman, second by Portwood to approve the minutes. Poll vote: Owens, yea; Dirkschneider, abstain; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, abstain.

**Motion Passed.**

Item A. Minutes from April 14, 2009.

Councilman Portwood stated that he and Councilman Gossman were not present at the meeting but the minutes show them voting to adjourn the meeting on item 5.

Motion by Portwood, second by Dirkschneider to approve the minutes with the change being made to item 5. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, abstain; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, abstain.

**Motion Passed.**

Item A. Minutes from March 17, 2009.

Motion by Dirkschneider, second by Owens to approve the minutes. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, abstain.

**Motion Passed.**

7. Receive reports from Staff: Police, Fire, City Clerk, City Attorney, City Inspector, Public Works Director, City Engineer, and City Planner. \*\*\*\*\*

Chief Patty stated that the new phone system had been installed and is working great. He also told the council that at the last meeting he had told them that the city would receive \$34,000 in grant money, however, the grant is being handled differently than in the past and Oklahoma City will be handling the money for the metro area. Since they will be handling the money there will be a fee attached and Warr Acres will only receive \$28,908. He said that in order to get the money the city had to commit to purchase something and so they were told that a long needed upgrade to the recording system in the com center was what Warr Acres would use the money for. He said that the grant does not require a local match.

Chief Carter stated that he had placed Engine 24 out of service so that a diagnostic test could be run on it to see what if anything will need to be done to it before the city can sell it.

Clerk Ramirez told the council that she had received a letter from the Tax Commission stating that between 2002 and 2005 use tax was paid on software that was downloadable and therefore was not taxable. She told the council that the Tax Commission would be holding all use tax until the sum of \$91,000 plus is repaid. Councilman Dirkschneider questioned whether the company actually received the software or if it was downloaded. Mayor Woolley stated that he and Attorney Jernigan will be checking with Mike Crawford on this issue.

Attorney Jernigan told the council that he had received a summons to vacate a plat and he would get them more information as soon as he could.

Inspector Strong introduced himself to the council and told them what he had been work on with Mike and said that most of his time right now is spent at the hotel and Golden Corral site. He said that there had been a sewer blockage up on 63<sup>rd</sup> and that it was cleaned up and a report was filed with DEQ.

Engineer Barrett said that the work on the Pines dam and the Covington manholes will begin either Friday or next Monday with the manholes being done first. He said they have 60 days to complete the entire job. As for the signal light at 63<sup>rd</sup> and Grove they are going to delay the start time so that the contractor can get the poles and mast arms ordered they take approximately 90 day to come in. He said that it will be probably 6-8 weeks before they see anything started. On the Stimulus money the city will receive \$284,000 to overlay 63<sup>rd</sup> between MacArthur and Ann Arbor. He said that when they bid the job they will do it as a section from the east side of MacArthur to Grove and then alternate bids for 1/8 sections until they reach \$284,000 so that they will not go over that amount. Mayor Woolley stated that usually there is a 6% fee charged to the city's, however, ACOG will be picking this fee up so there will be no money paid by the city. Engineer Barrett stated that they had recently done smoke testing of the sewer lines and manhole inspections. He said there are 15 sewer basins in Warr Acres and two that go directly to the Grove lift station. He stated the testing and inspections were done by PW Director Turman, Mark and Brad from the Sewer department and one of his employees. He stated that they did not smoke test the Lodge Apartments. He said that they are now ready for the next phase of work that is needed.

8. Discussion and possible action to award the contract for Project SS-005, Temporary Flow Monitoring of the Sanitary Sewer System to Interra Hydro, Inc. in the amount of \$22,800. This project will provide dry weather and wet weather flow measurements of two sewer basins up stream of the Grove Avenue lift station in compliance with requirements of the ODEQ Consent Order and will also provide four flow measurement locations on the interceptor sewer line. The

purpose of the flow monitoring study is to determine the amount of infiltration and inflow in these areas of the sanitary sewer system due to rainfall events.

Engineer Barrett stated that this is the next step in the I & I that needs to be completed to measure the flow during dry weather and wet weather and so they can see the changes in the flow and it is required by DEQ. He stated that the bids were from \$40,000 on the high end to \$22,800 on the low end. He said that the contractor he is recommending the city use has done lots of work for the city of Lawton. He recommended that the city take the low bid of \$22,800 and award the bid to Interra Hydro, Inc.

Motion by Owens, second by Gossman to award the bid to Interra Hydro, Inc. in the amount of \$22,800. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on the purchase or lease/purchase of new police units and appropriation of fund for said purchase. \*Patty\* \*\*\*\*

Chief Patty stated that they must order the new unit by May 9<sup>th</sup> or they will have to wait a year to purchase a new unit. He said that he is not comfortable purchasing anything other than a Crown Vic. He said they can purchase used units from Kansas to replace the detective's cars. He stated that once these cars are replaced they will not need to purchase any cars for a few years. Councilman Gossman asked if the warranties had been extended and Chief Patty stated that they had.

Motion by Gossman, second by Maxey to approve the Chief to order one black and white unit and appropriate the first year payment of \$8,000 from the Public Safety Tax. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on having an audit done on the Utility services of the city. \*Owens\*

Councilman Owens stated that the former Mayor was to contact Mr. Crawford. Councilwoman Maxey asked why they needed to have this done. Councilman Owens stated that they needed to see what the actual cost of running the Sanitation and Sewer departments was so that they could set the rate accordingly. Councilman Portwood asked if this was something that PWD Turman could do for them. Councilman Owens stated that he would like to have an outside source give them objective numbers.

Motion by Owens, second by Portwood to continue the item to the May meeting with the Mayor bringing them back information from Mr. Crawford. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

11. Discussion and possible action on the FY 09-10 Interlocal Agreement with Oklahoma County for Reconstruct, Improve, Repair and Assist in Maintenance of Certain City Streets. \*\*\*\*

The Mayor stated that this is an annual agreement with the county to help on the city streets. Clerk Ramirez stated that there was a situation on MacArthur several years ago where the street caved in and the county came out and helped repair it with their manpower, supplies and equipment. There currently is a situation on MacArthur that PWD Turman is in contact with the county about for help. She said it is a great thing to have.

Motion by Owens, second by Gossman to approve the agreement. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 12 was heard after item 3.

12. Discussion and possible action on the adoption and implementation of the revised Henley Pay Plan and approval to pay fees in the amount of \$2,000. \*\*\*\*

Mr. Henley stated that it is the Warr Acres Pay Plan not the Henley Pay Plan. Not all of the council has seen the pay plan and Clerk Ramirez asked for anyone that has a copy to please bring it in so that she can replace the pages with the new information. There was discussion on going ahead and paying for the revision but not approving the plan at this meeting.

Motion by Maxey, second by Gossman to continue the portion of the item on adoption and implementation to the May meeting and authorizing payment of \$2,000 now. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 13 was heard after item 11.

13. Discussion and possible action on nominating two persons to serve on the OMAG Board of Trustees. \*\*\*\*

The Mayor stated that the Clerk had recommended Earl Burson the City Manager at Harrah and Patti Kusel-Shelite the Clerk/Treasurer at Fort Cobb as the city's two nominees and he would like to go with that recommendation.

Motion by Olson, second by Maxey to nominate the two persons that were recommended. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

14. Discussion and possible action on upgrading the city's mail machine and approval of the new contract. \*\*\*\*

Attorney Jernigan stated that the contract was good and had the required non-appropriation clause in it. Councilman Gossman asked if the machine had not been replaced recently. Clerk Ramirez stated that it was a few years ago and that this is a newer machine that is faster and has metal where the current machine has plastic so will not have the problems we have now and it is \$9 cheaper a month.

Motion by Olson, second by Portwood to approve the upgrade. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

15. Discussion and possible action on appointing a member and an alternate to serve as the city's representatives to all ACOG bodies. \*\*\*\*

The Mayor stated that Councilman Johnson no longer wished to be the representative for the city. The Mayor said that Councilman Dirkschneider had said that he would represent the city and he works a short distance from ACOG so it would be convenient. The Mayor also stated that he would be the alternate and attend the meetings when Councilman Dirkschneider was unavailable.

Motion by Maxey, second by Owens to appoint Councilman Dirkschneider as the ACOG member and Mayor Woolley as the alternate. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

16. Discussion and possible action on adopting a Resolution for the implementation and adoption of an Identity Theft Prevention Program as required by the Federal Government. \*\*\*\*

Attorney Jernigan stated that the Federal Government determined that since the city allows people to pay for utilities in arrears they are considered to be a creditor and now must implement an Identity Theft plan. Clerk Ramirez has put this together and it is ready for council approval. The plan will be adopted by the approval of the Resolution.

Motion by Dirkschneider, second by Owens to approve the Resolution (#446).  
Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 17 was heard after item 12.

17. Discussion and possible action on a Resolution adopting the new Personnel Manual as prepared by Doug Henley.

The Mayor stated that they were not ready to approve the Personnel Manual at this time. Clerk Ramirez stated that changes had been made but there were a few more that were given to her just before the meeting and one more change emailed to Mr. Henley this afternoon. She asked the council to please leave the books so that she could replace the pages and then they could come by and pick them up later.

Motion by Maxey, second by Olson to continue the item to the May meeting.  
Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item 18 was heard after item 16.

18. A. Discussion and possible action on an Ordinance amending 10.64.040(A) pertaining to Vehicle Equipment (Mirrors). \*\*\*\*

Attorney Jernigan stated that this was brought to his attention by Chief Patty. Chief Patty stated that there had been a person ticketed and the Judge pointed out that the city Ordinance did not match State law. This Ordinance will take care of that.

Motion by Owens, second by Portwood to approve the Ordinance (#1064). Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**



B. Approval of the emergency clause.

Motion by Gossman, second by Portwood to approve the emergency clause. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

19. A. Discussion and possible action on an Ordinance amending 9.64 adding Section 020 prohibiting the use of city addresses, phone numbers, seal, or other information in any manner that could mislead recipients as to the origin of communications. \*Owens\* \*\*\*\*

Attorney Jernigan stated that he did not get a chance to re-draft the Ordinance and asked for it to be continued to May. Councilman Owens stated that there would be no wording changes only restructured. They stated that the item for next month needed to have the “adding section 020” taken out of it.

Motion by Owens, second by Portwood to continue the item to the May meeting. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Clerk Ramirez told the council that they should know that the orange and black Warr Acres logo did not belong to the city and was designed by Jesus Morales. She said that Mayor Tardibono used it while she was in office because she liked it.

B. Approval of the emergency clause.

**Moot.**

20. Discussion on a proposed Ordinance on alarm systems. \*\*\*\*

Attorney Jernigan stated that this Ordinance and the Ordinance in item 21 are for the council to review and make recommendations on before the next meeting. He said they are very detailed and will be on the agenda for final approval in May. He asked the council to read them and call him with changes so they can be done before the next meeting. Chief Patty stated that 99% of alarm calls are false calls and take up time that could be better spent doing other things. This will set up penalties for over 12 false alarms in a year and possible revocation of their alarm permit.

21. Discussion on a proposed Ordinance pertaining to Impoundment of Vehicles. \*\*\*\*

Discussed along with item 20.

22. Questions and Comments from Councilmembers.

Councilwoman Maxey said that she thought Ms. Payne's idea of rezoning MacArthur was a good one and they should look into it in the future. She said they would want to make it where they would tear down the current building and build new ones.

Councilman Gossman asked if anything was ever done about outsourcing the street repairs to get the work caught up. Attorney Jernigan stated that he had not but that he would get that done. Councilman Gossman said that something needed to be done about all the temporary signs all over town, and stated that no one is paying for the permits for them. He said the city needs to follow its ordinance. Attorney Jernigan stated that there is a problem with the Ordinance in knowing who to fine for the signs the company or the person putting up the sign. Clerk Ramirez stated that Code Officer Greenwood picks signs up all the time but they go back up as fast as he takes them down. Councilman Gossman stated that he would like to know what the street guys are doing everyday when four of them are driving around town in one truck. He stated that when he was out picking up campaign signs he saw them stop at 64<sup>th</sup> and MacArthur and throw out signs so he guessed that was the new storage area.

23. Discussion and possible action concerning litigation Bill Max Overton v. City of Warr Acres and John Thephachanh, Case # CJ-2008-1440, Oklahoma County District Court, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. \*Jernigan\*

24. Discussion and possible action concerning litigation Union Pacific Railroad vs. Warr Acres (Double Eagle Refinery Superfund site), EPA vs. Warr Acres, and ODEQ vs. Warr Acres, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. \*Jernigan\*

Item 23 and 24 were taken together.

Attorney Jernigan stated that he recommended the council enter into executive session on both items.

Motion by Gossman, second by Owens to enter into executive session. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Councilman Portwood left the meeting at 7:37 p.m.

The council entered into executive session at 7:37 p.m.

The council returned to open session at 8:02 p.m. With No Action Taken.

Motion by Owens, second by Gossman to come out of executive session. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

25. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

**Moot.**

26. Adjournment.

Motion by Gossman, second by Dirkschneider to adjourn. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

### **CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING TUESDAY**

**APRIL 21, 2009**

**7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 8:04 p.m. Declaration of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

Chairman Patrick Woolley  
Vice-Chair Nancy Olson  
Trustee David Dirkschneider  
Trustee Mike Gossman  
Trustee Phil Owens  
Trustee Doug Davis

#### **ABSENT**

Trustee Dean Johnson  
Trustee Christian Portwood

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of March 17, 2009. \*\*\*\*

Motion by Owens, second by Dirkschneider to approve the minutes. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

#### **Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$59,604.10 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2009. \*\*\*\*

Motion by Owens, second by Dirkschneider to approve the payment. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

#### **Motion Passed Unanimously.**

4. Approval of payment of claims for the Sewer department. \*\*\*\*

Motion by Owens, second by Olson to approve the claims. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Owens, second by Dirkschneider to adjourn. Poll vote: Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk